

1 charging with our rate card. Yeah, he -- he got a copy
2 of our rate card.

3 Q Did you ever discuss with Mr. Buchanan what the likely
4 cost of maintaining the translators might be?

5 A I gave him what our current obligations were in terms
6 of leases and a rough estimate of the time of what the
7 electric bills might be and -- and -- so that he had
8 some idea of what the monthly cost might -- might
9 possibly amount to, you know, if he took them over.

10 Q Now with respect to these translators, the -- so I
11 understand it, the basic costs would be the -- the
12 lease such as they were for the tower sites and then a
13 second component would be the electrical costs.....

14 A Uh-huh (affirmative).

15 Qinvolved in running the translator?

16 A Space and power.

17 Q Wouldn't there also be a third component, and that is
18 figuring out how much it would ultimately cost to
19 replace equipment as it wore out?

20 A Uh-huh (affirmative). I left that up to him.

21 Q But that was something that you had brought to his
22 attention?

23 A Well, in the attached here -- attached as an Exhibit I
24 believe was the list of every -- of all the assets that
25 we would be transferring. And it's -- the equipment

1 list there and it includes the equipment and it'd be up
2 to him to determine what the life of that equipment
3 would be and what it would cost him to replace it or to
4 repair it or to operate it. I didn't go there for him,
5 it was -- that was his job.

6 Q I take it that you're referring to what appears
7 following Exhibit E that -- Exhibit E appears on page
8 20 of the Agreement and then.....

9 A Yes.

10 Qthere are a number of pages that follow.

11 A Yes.

12 Q Now is -- just focusing on the first example following
13 Exhibit E, the one -- the translator for Kachemak City.

14 a Yes.

15 Q Is there any particular item or items that have a much
16 greater cost than any of the others?

17 A Well, there's two -- two items primarily that
18 constitute more cost than the rest of what is listed.
19 And that would be the Tepco three -- J 317 translator
20 and the Henry 100 watt amplifier.

21 Q Oh, and there's one each of those.

22 A Uh-huh (affirmative).

23 Q And -- now is there any indication or any material that
24 you shared with Mr. Buchanan to indicate how old this -
25 - these items were and when they might have to be

1 replaced?

2 A No.

3 Q Do you have any understanding as to whether or not Mr.
4 Buchanan undertook any inspection of the sites of these
5 translators?

6 A He did. He looked at all of them.

7 Q And that would include the ones on Kodiak Island?

8 A Yes.

9 Q And did you bring to Mr. Buchanan's attention that the
10 reason that you were going to sell these -- you meaning
11 Peninsula was going to sell these translators in the
12 first place, because there were Petitions to deny
13 directed against Peninsula?

14 A Well, it was a mutually beneficial arrangement. He was
15 looking for something to do in terms of a business by
16 taking an early retirement from the State of Alaska.
17 He had broadcast experience. We saw it as a way to get
18 on with our lives and transfer these things and let him
19 run them. And it was just a mutually beneficial
20 arrangement.

21 Q Now I'm going to bring -- I'm going to talk about
22 various rules and so I'll open the rule book here and
23 bring them to your attention one by one. Now, Jeff,
24 I'm handing Mr. Becker a copy of the rules and I'm
25 going to ask him some relatively simple questions. And

1 with respect to Section 74.1231(b), did you and Mr.
2 Buchanan happen to talk about that rule at all?

3 A Mr. Buchanan had a copy of the rules. I don't remember
4 specifically talking to him about this section. He had
5 a copy of the rules. I don't recall discussing it.

6 Q All right. Directing your attention to 74.1232(d), did
7 you talk with Mr. Buchanan about that rule?

8 A I don't remember. We probably -- perhaps, I don't
9 know.

10 Q Directing your attention to Section 74.1232(e), did you
11 talk with Mr. Buchanan about that rule?

12 A Yes.

13 Q And what, if anything, do you remember about that
14 discussion? Or conversation.

15 A We talked about the -- I think in relation to his 30
16 second announcements that he was permitted to -- to
17 make. And also that -- although I couldn't provide him
18 with financial assistance I could help him with a
19 technical problem if he needed some kind of technical
20 assistance to -- if the transmitter were to --
21 translator were to fail or something and he needed help
22 figuring out what was wrong with it that it was
23 permissible to offer him technical assistance.

24 Q And finally, with respect to 74.1232(h), did you and
25 Mr. Buchanan talk about that rule?

1 A 32(h). No.

2 Q Did you show or discuss with Mr. Buchanan the
3 Commission's 1990 Report and Order? That's the
4 document that we have talked about a number of times
5 that has that famous footnote 59 in it.

6 A We talked about footnote 59. I don't know if he had a
7 copy of that in his possession.

8 Q Did you ever modify the financing provisions of the
9 Asset Purchase Agreement in any way while the
10 assignment applications were pending?

11 A I would have to say no, I don't remember any amendments
12 that we filed.

13 Q Well, along those lines, as I understand, and you can
14 correct me if I'm wrong, the original financing
15 provision here for the.....

16 A Oh, yes.

17 QAsset Pur.....

18 A Yeah, I.....

19 Q Okay, that brings something to mind?

20 A Yes. We originally proposed to provide financing and
21 that was rejected by the Commission so Mr. Buchanan
22 went out and -- and sought and received a loan approval
23 contingent upon the consummation of the sale, that he
24 would receive independent financing.

25 Q The purchase price didn't change though.

1 A No.

2 Q Now did you suggest to Mr. Buchanan that he should
3 retire from his job with the State of Alaska?

4 A No. It was his -- his decision.

5 Q And how was it that the price for the translators came
6 to be determined?

7 A It was just a simple estimate of these translators cost
8 in the neighborhood of \$10,000.00 to \$15,000.00 a
9 piece, I had nine -- nine of them to sell, we just
10 rounded it off at \$100,000.00. Nine at \$15,000.00
11 would be more than \$100,000.00, nine at \$10,000.00
12 would be \$90,000.00, \$100,000.00 was just an arbitrary
13 number.

14 Q And do you recall what negotiations, if any, there were
15 relative.....

16 A There were no -- no negotiations, it was just -- that
17 seems like a good number, he thought it sounded good
18 and that was the end of it. There was no big
19 discussion.

20 Q Now at the time of the Asset Purchase Agreement in
21 November of 1996 I take it you were aware that
22 Peninsula had received a letter from the staff of the
23 Commission granting waivers of Commission rules with
24 respect to the Seward translators.

25 A I don't know about the date. That seems -- '96 does

1 not sound like the right date.

2 Q Oh, '96 wasn't the date that -- I'm not -- I don't mean
3 to suggest that that was the date the waivers
4 themselves were granted, the waivers in fact had been
5 granted a number of years earlier.

6 A That's correct.

7 Q But you were aware that such waivers existed.

8 A Well, the rule change, this whole proceeding that
9 resulted in the rule change from what I observed
10 appeared to be a change in policy in the Commission
11 where they began formalizing the waivers that were in -
12 - granted in a blanket fashion for Wrangell Radio
13 Group. Actually then we noticed getting letters then
14 from the Commission where they began referencing
15 specific references to waivers that were granted with
16 respect to certain sections of the rules. Previous to
17 that the staff never issued any specific letters
18 granting specific waivers.

19 Q Now this is in the context of a different application
20 and I will deal with that when we go to that
21 application. But I believe that the letter that we're
22 talking about here bears a date of February 18, 1992.

23 A Yes.

24 Q And there was a waiver granted by the Commission staff,
25 I believe the letter refers to two rules.

1 A Yes.

2 Q One being the ownership provision of 74.1232(d) and the
3 other being signal delivery, 74.1231(b).

4 A Correct.

5 Q And that was because -- the signal delivery aspect was
6 because Seward was so isolated?

7 A Yes.

8 Q Now at the time of the sale contract was it your belief
9 that the waivers that we just looked at for the Seward
10 stations could never be altered in any way?

11 A No.

12 Q Did you say anything to Mr. Buchanan as to whether or
13 not the waivers given to the Seward stations could ever
14 be altered?

15 A No.

16 Q Along those lines I want you to take a look at Section
17 316 of the Act.

18 MR. SHOOK: Jeff, I'm giving Mr. Becker a copy of the
19 statute.....

20 MR. SOUTHMAYD: Okay.

21 MR. SHOOK:and asking him to look at Section 316
22 of the Act.

23 A Okay.

24 Q Now have you ever had a chance to read that section
25 before today?

1 A Yes. Oh yes.

2 Q Roughly when did you first look at it?

3 A I couldn't tell you exactly, but I would say somewhere
4 within the last 15 months. I've become a student of
5 the Communications Act of 1934.

6 Q So I take it that you didn't discuss Section 316 with
7 Mr. Buchanan.

8 A No.

9 Q And certainly not then in the context of the Seward
10 translators.

11 A No.

12 Q Let's see, I think I may have a document out of order
13 there. The next document I want you to look at
14 pertains to an application that was filed by Coastal on
15 June 16, 1997 concerning translator station K285AA in
16 Kodiak. And if you can't find it I'll try to locate it
17 for you.

18 (Pause)

19 Q Now I would direct your attention to Exhibit 1 of the
20 application which appears about eight, nine pages in
21 and it runs for three pages. And that's just the
22 narrative portion of the Exhibit. There are a number
23 of attachments that follow. And at this stage all I
24 would like you to do is read to yourself Exhibit 1, the
25 narrative.

- 1 A I'm familiar with it.
- 2 Q You're familiar with it?
- 3 A Yeah, I recall it.
- 4 Q Now there's a reference here to station K285AA and
5 Peninsula losing the ability to retransmit KWVV FM in
6 Kodiak. Do you see that?
- 7 A Yes.
- 8 Q Was that loss of ability to retransmit KWVV FM a result
9 of an action taken by the United States Air Force?
- 10 A Yes.
- 11 Q What action did the Air Force take?
- 12 A They destroyed the receiving antennas.
- 13 Q And roughly when did that occur?
- 14 A My best recollection would be about May of 1997.
15 Middle of May of '97.
- 16 Q Now did the Kodiak 285 translator ever go off the air
17 as a result of the Air Force's action?
- 18 A Eventually it did for a period of time, yes. But less
19 than a year.
- 20 Q Did Peninsula lose advertising revenues as a result?
- 21 A There was some loss of revenue.
- 22 Q Was Peninsula compensated for its loss in any way by
23 the Air Force?
- 24 A No.
- 25 Q Did Peninsula attempt to receive compensation for its

1 loss?

2 A No.

3 Q Now what, if anything, was done to reacquire the signal
4 of KWVV FM on Kodiak once the Air Force destroyed the
5 antenna?

6 A January of 2000 we installed some receive antennas at a
7 site that we didn't know existed previously, or we
8 didn't install them sooner, but we installed receiving
9 antennas again to restore service in January of -- of --
10 -- was it 2000 or 2001?

11 UNIDENTIFIED FEMALE: (Indiscernible - not at mic).

12 A Yeah, 2000.

13 Q There's certainly a document we can refer to at some
14 point.

15 A Yeah, January of 2000 we notified the Commission that
16 we were changing the feed from the translator that we
17 we were broadcasting and switching the feed back to
18 K285AA, back to the main signal in -- in Homer off air.

19 Q Now, between the time of the Air Force's action in
20 roughly May of 1997 and the action that you just talked
21 about in January of 2000 what, if anything, did
22 Peninsula do to retransmit KWVV FM, if anything?

23 A Well, we had -- we had installed some -- we tried to
24 pick up the signal and we had a very scratchy terrible
25 signal for a few months running the translator, it was

1 plagued by fading and it became evident it was a lost
2 cause so we just shut them off. And they were off for
3 almost a year.

4 Q So in terms of the work that was done before the
5 translator was shut off, that involved your going to
6 Kodiak Island to try to reacquire the signal?

7 A Yes, uh-huh (affirmative). Right.

8 Q And that was at a -- the site that the antenna was at
9 before or.....

10 A Uh-huh (affirmative).

11 Q did you have to go to a different site, how did
12 this work?

13 A We went to the site where the translator was located,
14 we put up some FM receive antennas, we sort of got a
15 signal that really wasn't adequate and it was a
16 hopeless cause. We -- we were under the impression at
17 the time that there was no other way to get it off air.
18 But that was changed later when the local electronics
19 company there informed us that they had found a place
20 on Pillar where they could get our signals off air and
21 that's where we eventually installed our receive
22 antenna and restored our service.

23 Q Now, with respect to the Exhibit that we just looked
24 at.

25 A Huh-hum (interrogative).

- 1 Q Do you know who prepared the Exhibit?
- 2 A Let's see. Let's see who signed it. Dave Buchanan
- 3 prepared the Exhibit.
- 4 Q My question is relatively narrow at this point, it's
- 5 just whether you have any knowledge as to who prepared
- 6 the Exhibit 1 that we just looked at.
- 7 A Exhibit 1?
- 8 Q Yes sir.
- 9 A Is it signed?
- 10 Q No sir. And if you don't know you can state you don't
- 11 know.
- 12 A I don't know. Well, I think I -- I'm pretty sure that
- 13 I gave Dave Buchanan a lot of the -- the background on
- 14 this problem of the signal delivery there and he put it
- 15 together and submitted it with his application.
- 16 Q All right. That would be your understanding as to how
- 17 this document came to be prepared.
- 18 A Yeah, we -- we talked about it obviously. And I
- 19 assisted him with the technical aspects of it so that
- 20 he understood exactly what was going on there.
- 21 Q Now the next document -- and actually there were, you
- 22 know, two documents.....
- 23 A Yeah.
- 24 Qthere.
- 25 A Okay.

- 1 Q There's the second document.....
- 2 A Yes.
- 3 Qand the second document is a similar one but I
- 4 believe it concerns station 274 -- K274AB.
- 5 A Okay.
- 6 Q Correct?
- 7 A Yes.
- 8 Q Now, again going to Exhibit 1.
- 9 A Okay.
- 10 Q If you would take a moment to look through that. That
- 11 appears to be a very similar Exhibit to the one that we
- 12 just looked at.
- 13 A Yes.
- 14 Q Although there seems to be one arguably significant
- 15 difference. And that is when you look at the first
- 16 page of Exhibit 1 and you go to the fourth paragraph
- 17 instead of K285AA being barely on the air what this
- 18 says is that K274AB currently is off the air.
- 19 A That's correct.
- 20 Q Now for those of us who are not as engineering oriented
- 21 as yourself could you give us some understanding as to
- 22 how it was that one was barely on the air but the other
- 23 was off the air altogether?
- 24 A The previous translator, K285AA, it was receiving a
- 25 100,000 watt signal on 103.5. This translator was

1 receiving a 1.3 kilowatt ERP signal on 99.3. And it's
2 primarily the difference in power levels between the
3 two signals. There wasn't enough signal to run this
4 translator whereas the other one had some signal but
5 was still inadequate.

6 Q And again, in terms of who actually prepared this
7 Exhibit 1, do you have any knowledge as to who did
8 that?

9 A I don't recall who typed it up, but Buchanan and myself
10 both worked on this I'm pretty sure. Dave Buchanan has
11 an engineering background but I certainly probably
12 assisted him with the technical aspects of this.

13 Q Now, with respect to the first application that we had
14 looked at, the one for Kodiak 285AA, do you have any
15 knowledge as to who prepared the rest of the
16 application other than Exhibit 1?

17 A I don't know. Let's see. Appeared to have something
18 stapled to -- is this another -- what is that?

19 Q Oh, that's something that shouldn't be there. Perhaps.
20 I'll take another look, but.....

21 THE REPORTER: I have a stapler here if you.....

22 MR. SHOOK: That's okay.

23 A I assisted Mr. Buchanan with some of this information.
24 For example I gave him a copy of the Exhibit 3 from the
25 Department of Air Force. This was telling us that the

1 Air Force was going to destroy the antennas, gave him a
2 copy of the letter from the City of Kodiak, I gave him
3 copies of our existing licenses, Exhibit 5. And then I
4 gave him a copy of something I prepared in 1991 which
5 is Exhibit 6. And I think I gave him the Exhibit 1(a)
6 which showed that the Commission had granted us a feed
7 via microwave and satellite for our Seward translators
8 to show the precedent of granting alternative signal
9 deliveries which was done for us in the case of Seward
10 where we were feeding via microwave and satellite so we
11 had a clear precedent for them granting the waiver
12 request. And also gave him a copy of Exhibit 9 which
13 showed some of the audience measurement numbers that we
14 had from our Willhight survey. So, yeah, I assisted
15 him with that.

16 Q In terms of the application form itself, there appear
17 to be -- I'll count them, one, two, three, four, five,
18 six, seven pages that appear here.

19 A Uh-huh (affirmative).

20 Q Did Peninsula provide any assistance in the preparation
21 of this.....

22 A Yes.

23 Qportion? And to your recollection what assistance
24 was provided?

25 A Just to help him understand the forum. Dave is -- was

1 not really well acquainted yet at that point of filling
2 these out and I went through it with him to make sure
3 that he, you know, had answered it completely and it
4 was a complete application to file. But he was the one
5 proposing to make the changes since he was the proposed
6 assignee of the -- of the translator. So he was going
7 to get these things and as the proposed assignee we
8 thought that this thing would be approved and he'd be
9 on the air within maybe three months and he could get
10 going.

11 Q And the same situation would be the case with respect
12 to the other Kodiak translator.....

13 A Yes.

14 Qin terms of who provided what assistance.....

15 A Sure.

16 Qand how it came to be prepared?

17 A Uh-huh (affirmative).

18 Q Did you ever discuss with Mr. Buchanan the likelihood
19 of success of the two Kodiak applications that we just
20 talked about?

21 A Well, we felt that they -- based on the precedent which
22 was to grant alternate signal delivery for our Seward
23 translators we thought we had a outstanding likelihood
24 that it would be granted. And the primary reason being
25 it was simply to restore service to translators that

1 had been established there for many years. It wasn't a
2 case of going into a brand new area and trying to
3 establish a translator in a non-white area, it was
4 simply to restore service to translators that had
5 served that community for a number of years.

6 Q To your recollection was Coastal's applications to
7 change the signal delivery methods for Kodiak opposed
8 in any way?

9 A They were not opposed to my recollection.

10 Q Now in the next stack of do -- not that one and not
11 that one either. Not that one. Beginning with that
12 one. I want to direct your attention to some letters.
13 And in this case they appear under the heading of what
14 is called attachment C in the stack that you have. And
15 I believe, if we're looking at the same thing, it
16 should be a letter dated November 12, 1997.

17 A Yes.

18 Q And I believe this is a letter that you had referenced
19 in previous testimony not too long ago where the
20 Commission is being informed that K274AB is going off
21 the air completely?

22 A On behalf of Peninsula Communications this is to notify
23 the Commission that FM translator K274AB Kodiak, Alaska
24 has temporarily ceased broadcast operation as of this
25 date.

- 1 Q Now if I understood the import of Exhibit 1 of the
2 application for K274AB it appeared to me that K274AB
3 had gone off the air some months earlier.
- 4 A That is correct.
- 5 Q Now what, if anything, had happened between May of 1997
6 and November of 1997? I take it there -- something
7 happened with respect to K274AB.
- 8 A It was -- it was turned off in May actually of '97.
9 And it appears that we failed to notify the Commission
10 sooner. I think this is probably an oversight.
- 11 Q Now it -- had it gone back on the air between May and
12 November of 1997?
- 13 A Between May and November?
- 14 Q Right. And the basis for my question, just so you know
15 why I'm asking the question the way I am, the
16 application indicated that the station had gone off the
17 air in May of 1997.....
- 18 A Right.
- 19 Qwe just talked about that. And now we're looking
20 at a letter that bears a date in November that informs
21 the Commission that K274AB is off the air.
- 22 A That's correct.
- 23 Q And my question is between May and November did the
24 station ever go back on the air?
- 25 A Yes.

1 Q It did.

2 A Uh-huh (affirmative).

3 Q And it went on the air rebroadcasting what?

4 A It was on the air rebroadcasting KPEN.

5 Q And how did K274AB receive KPEN?

6 A Via satellite.

7 Q Via satellite. Okay.

8 A Uh-huh (affirmative). For a brief probably one week
9 period of time.

10 Q So in that sense there would have been -- K274AB was
11 kept alive, if you will, as a consequence of receipt of
12 the satellite signal?

13 A It was only a test of our -- of our ability to feed it
14 via satellite. But we did not leave it on. We had the
15 ability to feed it at that point because we had
16 constructed our uplink. And we had intended to as soon
17 as we got approval to feed it that way.

18 Q Ah, I see. That was the system that was going to be
19 utilized in the event.....

20 A Yes.

21 Qthe application was granted?

22 A That's right.

23 Q Now was a similar test performed with respect to
24 K285.....

25 A Yes.

1 QAA? So in other words for that test KVVV would
2 have been transmitted up to a satellite and then
3 downlinked to the.....

4 A Yes.

5 Qtranslator in order to see whether or not it could
6 receive it?

7 A Yes. That was in preparation. We anticipated a grant
8 giving us pro -- permission to feed it so we were ready
9 to go if and when the Commission granted it.

10 Q Now, you can get rid of that and that. And the next.
11 All right. So, the letter I would like to have you
12 focus on now is dated March 4, 1996. And it's a three
13 page letter addressed to Peninsula Communications, Inc.
14 and bears the signature of a person named Stewart B.
15 Videl (ph) for Linda Blair. And if you could please
16 read the first two sentences of the letter aloud.

17 A In a -- dear licensee, an examination of Peninsula's
18 recently filed applications indicate that Peninsula may
19 be -- may be in violation of the Commission's revised
20 ownership and support rules governing commercial FM
21 translator stations, see 47 CFR Section 73.1232(d) and
22 (e). If this is in fact the case Peninsula must
23 immediately divest itself of ownership and support
24 interest in all non-compliant stations. More
25 specifically from Pen.....

- 1 Q That's.....
- 2 A Okay.
- 3 Qwe don't have to go further at this point.
- 4 A Right. I thought you said paragraphs one and two.
- 5 Q Oh, first senten -- first two sentences.
- 6 A Oh, I'm sorry.
- 7 Q That's okay. And do you recall approximately when you
- 8 received this letter?
- 9 A Sometime in March of '96.
- 10 Q And I take it you read the letter in its entirety?
- 11 A Yes.
- 12 Q And what actions, if any, did you take as a consequence
- 13 of receiving this letter?
- 14 A Well, I talked to my attorney about it.
- 15 Q And do you recall taking any other actions besides
- 16 talking with your attorney?
- 17 A I think we decided that we would attempt to find a
- 18 buyer at that point in time. It seemed to be the path
- 19 of least resistance.
- 20 Q And so roughly sometime in March is when you started to
- 21 look for a potential buyer which resulted in the Asset
- 22 Purchase Agreement with Mr. Buchanan?
- 23 A Sometime between March and November of '96, yeah.
- 24 Yeah, I had contacted several potential buyers, but
- 25 Dave Buchanan was really the likely choice once we

1 discussed it with him.

2 Q Now the next document I'd like you to look at is a ten
3 page letter bearing a date of September 11, 1996. And
4 it's addressed to Jeffrey D. Southmayd, Esquire, it's
5 signed by Linda Blair.

6 A Uh-huh (affirmative).

7 Q And I take it you've seen this letter before today?

8 A Yes.

9 Q And you would have seen it shortly after September 11,
10 1996?

11 A Yes.

12 Q And did you read it in its entirety?

13 A Yes.

14 Q What actions, if any, did you take as a consequence of
15 this letter?

16 A Well, the letter represented that if we found someone
17 to buy these translators that they would renew our
18 licenses and that would be the end of the matter. So
19 we found a buyer and that's what we intended to do.

20 Q All right. The next document I'd like you to look at
21 is styled Opposition to Application for Review and it
22 bears a stamp date of October 25, 1996 reflecting a
23 filing at the Commission on that date. And if you
24 would just take a -- you know, as much time as you want
25 to look through the pleading.

1 A All right.

2 UNIDENTIFIED FEMALE: Hello?

3 MR. SHOOK: Jeff, are you still there?

4 THE WITNESS: He's trying to get him to hang up the
5 phone there.

6 MR. SHOOK: Jeff?

7 THE WITNESS: I think he's there, he's just out of the
8 room.

9 MR. SHOOK: Okay. Well then why don't we wait a
10 minute.

11 (Pause)

12 MR. SHOOK: Are you back Jeff?

13 MR. SOUTHMAYD: I'm back, sorry.

14 MR. SHOOK: That's okay. Jeff, I don't know if you
15 heard where we are at this point.

16 MR. SOUTHMAYD: Well, he was looking at the Opposition
17 to the Application for Review.

18 MR. SHOOK: Oh, good. Well, then you did hear.

19 THE WITNESS: He's right on course.

20 MR. SHOOK RESUMES:

21 Q All right. Mr. Becker, did Peninsula authorize the
22 filing of this pleading?

23 A Yes.

24 Q I want to direct your attention to page three. And if
25 you could please read aloud the second full paragraph

1 on that page.

2 A Following the issuance of the ruling Peninsula
3 determined not to seek review or reconsideration of the
4 ruling. In this regard it is Peninsula's intent to
5 comply in all respects with the ruling of the Chief ASD
6 and to file appropriate assignment applications to
7 divest its interest in the subject non-fill in
8 translators within the 60 day required time frame.

9 Q And is it your understanding that you did or did not
10 file appropriate assignment applications?

11 A We did.

12 Q Now the next letter I'd like you to look at is a three
13 page letter. It has a little stamp on it indicating
14 June 17, 1997. There are three addressees the first of
15 which is Jeffrey D. Southmayd and the letter is signed
16 by Linda Blair. Have you seen this letter before
17 today?

18 A Well, let me look at it.

19 (Pause)

20 A Yes, I recall the letter.

21 Q And you would have seen it shortly after the date
22 that.....

23 A Yes.

24 Qit was issued?

25 A Uh-huh (affirmative).